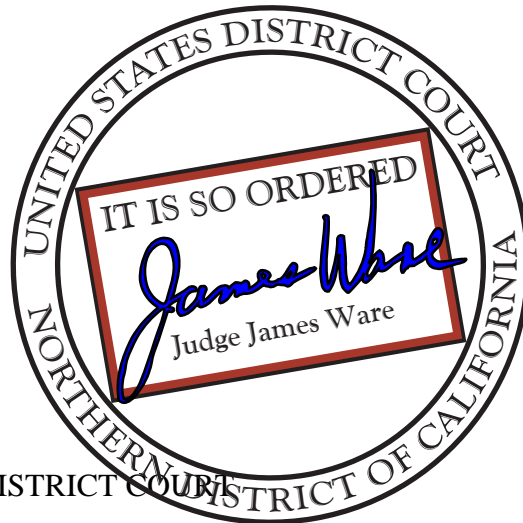


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UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JUAN GONZALEZ and RICARDO  
MENDOZA, individually and on behalf of  
others similarly situated

Plaintiffs,

vs.

DDR PARTNERS, INC. dba PACIFIC  
ATHLETIC CLUB, WESTERN ATHLETIC  
CLUBS, INC. dba PACIFIC ATHLETIC  
CLUB AND DOES 1-10

Defendants

Case No: C 08-3814 JW

**ORDER VACATING ORDER TO SHOW  
CAUSE HEARING**

Plaintiffs respond to Court's Order to Show Cause why the Complaint should not be dismissed as to Western Athletic Clubs Inc. for failure to provide service pursuant to FED. R. Civ. P. 4(m), dated April 23, 2009 as follows:

On August 11, 2008, Plaintiffs filed this action. naming only Defendant DDR Partners Inc. (Docket No. 1).

**PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE**  
Gonzalez, et al. v. DR Partners Inc. .

C08-3816 JW

1 On April 6, 2009, Plaintiffs filed their First Amended Complaint ("FAC") pursuant to the  
2 Court's order dated March 25, 2009. Only in the FAC was Western Athletic Clubs Inc. named  
3 as a Defendant (Docket No. 32).

4 On April 17, 2009, an Amended Summons against all Defendants including Western  
5 Athletic Club Inc. was issued (Docket No. 38).

6 On April 24, 2009, the service on Western Athletic Clubs Inc. was effectuated (Docket  
7 No. 39).

8 Because Western Athletic Clubs Inc. was not named as a Defendant in this case until  
9 April 6, 2009, and the Summons against it was not issued until April 17, 2009, the service on  
10 Western Athletic Clubs Inc. on April 24, 2009 is well within the time period provided by FED. R.  
11 CIV. POR. 4(m).


12  
13 Dated: April 29, 2008

By: /s/ Adam Wang  
Adam Wang  
Attorney for Plaintiff

14  
15  
16 **\*\*\* ORDER \*\*\***

17 The Court finds Plaintiffs' Response to Order to Show Cause sufficient and thus  
18 VACATES the hearing on Order to Show Cause Re: Dismissal presently scheduled for  
19 May 18, 2009.

20 Dated: May 13, 2009

  
JAMES WARE  
United States District Judge